

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARTIN MORALES 2102 South 118 th Avenue Avondale, Arizona 85323)	Case No.:
)	
)	Judge:
)	
Plaintiffs,)	PLAINTIFFS' COMPLAINT
)	WITH JURY DEMAND ENDORSED HEREON
v.)	
CATHOLIC DIOCESE OF CLEVELAND c/o Statutory Agent James P. Teresi 9000 Town Centre Drive Broadview Heights, Ohio 44147)	Andrea R. Young (0096334) Charles E. Boyk (0000494) Zackary Shaffer (0099010) Charles E. Boyk Law Offices, LLC 1500 Timberwolf Drive Holland, OH 43528 Telephone: (419) 241-1395 Facsimile: (419) 241-8731 ayoung@charlesboyk-law.com cboyk@charlesboyk-law.com zshaffer@charlesboyk-law.com
and)	<i>Attorneys for Plaintiffs</i>
SAINT EDWARD HIGH SCHOOL 13500 Detroit Avenue Lakewood, Ohio 44107)	
)	
)	
and)	
DAN HUMPHREY 1615 Mistletoe Drive Cleveland, Ohio 44106)	
)	
)	
and)	
JOHN DOE)	
)	
Defendants.)	

Now comes Plaintiff Martin Morales, by and through the undersigned counsel, and hereby files his Complaint against Defendants Catholic Diocese of Cleveland, Saint Edward High School, Dan Humphrey, and John Doe for injuries and damages arising from an injury incident which occurred at Saint Edward High School in Lakewood, Cuyahoga County, Ohio. In support of his claims, Plaintiff states as follows:

THE PARTIES

1. Plaintiff Martin Morales is an individual and resident of Avondale, Maricopa County, AZ.
At all times relevant to the event at issue, Martin Morales was present in Cuyahoga County, Ohio.
2. Upon information and belief, Defendant Catholic Diocese of Cleveland is a non-profit religious organization having its principal place of business at 1404 E 9th Street, Cleveland, Ohio 44114.
3. Upon information and belief Saint Edward High School is a private Roman Catholic High School, and is located at 13500 Detroit Avenue, Lakewood, Cuyahoga County, Ohio.
4. At all times relevant herein, Defendant Catholic Diocese of Cleveland was the owner of Saint Edward High School, located at 13500 Detroit Avenue, Lakewood, Cuyahoga, Ohio.
5. Upon information and belief, Defendant Dan Humphrey was at all relevant times employed by the Defendants, Saint Edward High School and Catholic Diocese of Cleveland, as a Director of Information Technology, and was at all relevant times in the scope and course of his employment.
6. Upon information and belief, Defendant John Doe was at all relevant times employed by the Defendants, Saint Edward High School and Catholic Diocese of Cleveland, and was at all relevant times in the scop and course of his employment.

JURISDICTION AND VENUE

7. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because Plaintiff's citizenship is diverse from that of Defendants, and because the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).
8. Venue is proper in this Court pursuant to Civil Rule 28 U.S.C. § 1391(B)(2) because a substantial part of the events giving rise to the claim occurred in Cuyahoga County, Ohio, which is located in this judicial district.

FACTUAL ALLEGATIONS

9. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
10. On July 10, 2023, Martin Morales was working as a Field Technician for a telecommunications company, Advance Powering Services.
11. On the day of the incident, Martin Morales, through his employer, was managing a project to upgrade amplifiers in the Cleveland area and was instructed to look for amplifying equipment at St Edward High School in Lakewood, Cuyahoga County, Ohio.
12. Prior to the incident described in this Complaint, Dan Humphrey, the Director of Information Technology at Saint Edward High School was notified that Plaintiff and his two colleagues were coming to the high school to look for amplifiers in the building.
13. Upon Plaintiff arriving at the high school, Mr. Humphrey met Plaintiff and his colleague, in front of the high school, and lead them to different rooms around the school in an attempt to locate the amplifiers.

14. Eventually, Dan Humphrey escorted Plaintiff and his colleague to a lower level of the school. Mr. Humphrey, along with another employee, John Doe, moved a vending machine aside to reveal a door which was believed to be a room that may house the amplifier(s).
15. John Doe unlocked the door and instructed Martin Morales to enter the doorway. There was no lighting in the room and Plaintiff and his colleague had to use the flashlights on their phone for illumination.
16. As Plaintiff, Martin Morales, stepped through the doorway, he fell into a hole in the floor, and dropped approximately eight to ten feet below.
17. At the time of Plaintiff's fall, there were no warning or hazard signs posted to alert him of a hidden danger, and neither John Doe or Dan Humphrey notified him of the hole in the floor. The hole remained unguarded and invisible to Plaintiff Martin Morales.
18. Plaintiff's colleague climbed down a ladder located on the side of the wall, and assisted Plaintiff out of the hole. Plaintiff was immediately taken to the emergency room for evaluation and treatment of his injuries.

FIRST CAUSE OF ACTION

(Negligence – Defendant Catholic Diocese of Cleveland and/or Saint Edward High School.)

19. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
20. Defendant Catholic Diocese of Cleveland and/or Defendant Saint Edward High School owed invitees like Plaintiff Martin Morales a duty to exercise ordinary care in maintaining the premises and a duty to not expose Plaintiff to any unnecessary or unreasonable risks of harm.

21. Defendant Catholic Diocese of Cleveland and/or Defendant Saint Edward High School knew or should have reasonably known of said dangerous conditions behind the closed door.
22. Defendant Catholic Diocese of Cleveland and/or Defendant Saint Edward High School through its agents and servants, by acts of omission and commission, breached these duties and was negligent in failing to protect Martin Morales and by permitting a hazardous and dangerous condition to exist on its premises.
23. Defendant Catholic Diocese of Cleveland and/or Defendant Saint Edward High School, through its agents and servants, by acts of omission and commission, was negligent in providing access to the dangerous room, by instructing Mr. Morales to enter, by failing to warn Plaintiff Martin Morales, and by not placing warning signs near the hole which Mr. Morales fell and sustained his injuries.
24. As a direct and proximate result of Defendants' negligence, Plaintiff Martin Morales injured himself from the hazardous condition that existed on the Defendants' premises.
25. As a direct and proximate result of Defendants' negligence, Plaintiff, Martin Morales, suffered serious injuries including but not limited to limited mobility, a concussion and pain in his head, neck, shoulders, chest, and pelvis, and was required to undergo medical care, and incurred related medical care costs. Additionally, he has experienced great pain and suffering, loss of income, and severe mental anguish and distress.

SECOND CAUSE OF ACTION

(Negligence – Defendants Dan Humphrey and John Doe)

26. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

27. At all times relevant to this Complaint, Defendants, Dan Humphrey and John Doe, were employees and/or agents of Defendant Catholic Diocese of Cleveland and/or Defendant Saint Edward High School and were responsible for escorting invitees like Plaintiff Martin Morales around the building in a safe manner and avoiding hazards.
28. Defendants, Dan Humphrey and John Doe, owed invitees like Martin Morales a duty to exercise ordinary care to maintain the premises in a reasonably safe condition, a duty not to unreasonably expose Martin Morales to danger, and a duty to prevent, remove, or adequately warn against hazards on the premises.
29. Defendants, Dan Humphrey and John Doe, breached these duties and were negligent in failing to protect Martin Morales from injury, by not keeping the premises in a reasonably safe condition, by instructing him to enter a dangerous room, and by failing to provide adequate warning of dangers or hazards of which Defendants, Dan Humphrey and John Doe, had previous knowledge.
30. As a direct and proximate result of Defendants' negligence, Plaintiff, Martin Morales, suffered serious injuries including but not limited to limited mobility, a concussion and pain in his head, neck, shoulders, chest, and pelvis, and was required to undergo medical care, and incurred related medical care costs. Additionally, he has experienced great pain and suffering, loss of income, and severe mental anguish and distress.

THIRD CAUSE OF ACTION

(Vicarious Liability – Defendants Catholic Diocese of Cleveland and/or Saint Edward High School.)

31. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.

32. Defendants Dan Humphrey and John Doe were at all relevant times an employee, statutory employee, agent, servant, or independent contractor for Defendant Catholic Diocese of Cleveland and/or Defendant Saint Edward High School.
33. Defendant Catholic Diocese of Cleveland, and/or Saint Edward High School are liable for the negligence of its employees, statutory employees, agents, servants, or independent contractors under the doctrine of respondent superior or vicarious liability.
34. Because Defendants, Dan Humphrey and John Doe, were negligent as set forth above, and because at all relevant times they were in the scope and course of their employment as an employee, statutory employee, agent, servant, or independent contractor for Defendant, Catholic Diocese of Cleveland and/or Saint Edward High School, Defendants Catholic Diocese of Cleveland, and Saint Edward High School are liable for the negligence of its employees and/or agents Dan Humphrey and John Doe.

FOURTH CAUSE OF ACTION

(Negligent Hiring, Training, and Supervision- Defendant Catholic Diocese of Cleveland and/or Saint Edward High School)

35. Plaintiff incorporates by reference each preceding and succeeding paragraph as though fully rewritten herein.
36. Defendant Catholic Diocese of Cleveland and/or Defendant Saint Edward High School had a duty to act reasonably in investigating the work, history, credentials, and fitness of its employees, statutory employees, agents, servants, and independent contractors, including Defendants Dan Humphrey and John Doe.
37. Defendant Catholic Diocese of Cleveland, and/or Defendant Saint Edward High School had a duty to act reasonably in hiring its, employees, statutory employees, agents, servants and independent contractors, including Defendants Dan Humphrey and John Doe.

38. Defendant Catholic Diocese of Cleveland, and/or Defendant Saint Edward High School had a duty to properly train its employees, statutory employees, agents, servants and independent contractors, including Defendants Dan Humphrey and John Doe.
39. Defendant Catholic Diocese of Cleveland, and/or Defendant Saint Edward High School had a duty to promulgate and enforce rules and regulations to ensure that its employees, statutory employees, agents, servants and independent contractors, including Defendants Dan Humphrey and John Doe, maintained the premises in a reasonably safe condition.
40. Defendant Catholic Diocese of Cleveland, and/or Defendant Saint Edward High School failed in the above-mentioned duties and was therefore negligent.
41. The negligence of Defendant Catholic Diocese of Cleveland, and/or Defendant Saint Edward High School was the direct and proximate cause of the injuries sustained by Plaintiff as stated above.

WHEREFORE, Plaintiff prays for Judgment against Defendants on each of the claims against them in an amount exceeding Seventy-Five Thousand Dollars (\$75,000.00), together with interest, costs, reasonable attorney fees associated herewith, and such other relief as the Court may deem just.

Respectfully submitted,

/s/Andrea R. Young
Andrea R. Young
Charles E. Boyk
Zackary Shaffer
Attorneys for Plaintiff

JURY DEMAND

Plaintiff demands a jury trial on all issues triable by right.

/s/Andrea R. Young
Andrea R. Young
Charles E. Boyk
Zackary Shaffer
Attorneys for Plaintiff